

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

Civ. No. 16-629 WJ/GJF
Crim. No. 05-2463 WJ

ALBERT MARTINEZ,

Defendant-Movant.

**ORDER ADOPTING MAGISTRATE JUDGE'S
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

THIS MATTER is before the Court on Magistrate Judge Gregory Fouratt's Proposed Findings and Recommended Disposition ("PFRD"), filed July 27, 2016. [Civ. Doc. 7; Crim. Doc. 44]. The parties were notified that objections were due within fourteen days of service of the PFRD and that, if no objections were filed, no appellate review would be allowed. To this date, no objections have been filed.

IT IS THEREFORE ORDERED that:

- 1) the PFRD is adopted as an ORDER of the Court;
- 2) the Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence is GRANTED; and
- 3) this case will be set for resentencing in a separate Order.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE